

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
August 21, 2012

The regular meeting of the Township Committee was held on this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:30 p.m. by Mayor Michael Kovacs.

SUNSHINE LAW COMPLIANCE – The Mayor noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Star-Gazette and transmitted to the Express-Times, posted at the Municipal Building and a copy is on file in the Clerk's office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL:

Elbassiouny, present; Finke, present; Kovacs, present; Marks, present
Klingel - absent

STAFF PRESENT

Anna C. Godfrey, Township Clerk; Peter deBoer, Township Administrator/Certified Public Works Manager; Attorney Michael Lavery; Chief McDonald; Lieutenant Cicerelle; Jeff Cooper, Assistant Municipal Supervisor of Public Works; Joseph Rossi, Construction Official; and David Dempshi, COAH Coordinator.

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Elbassiouny, seconded by Finke, to approve the minutes from the special meeting held July 9, 2012.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Finke, to approve the Executive Session minutes from the special meeting held July 9, 2012.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

A motion was made by Marks, seconded by Finke, to approve the minutes from the regular meeting held July 17, 2012.

ROLL CALL: Marks, yes; Finke, yes; Elbassiouny, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Marks, to approve the Executive Session minutes from the regular meeting held July 17, 2012 with the correction noted by Mr. Finke.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

ORDINANCE

A motion was made by Elbassiouny, seconded by Marks, to open to the public Ordinance 12-04, Ordinance Supplementing and Amending Chapter 52 "Numbering of Buildings" §52-7, Visibility of Numbers and Chapter 59 "Construction Code, Uniform; Permits", §59-15 Additional Fees, public hearing on second reading. All were in favor. Mayor Kovacs entertained comments from the audience. Hearing no one, a motion was made by Finke, seconded by Elbassiouny, to close the public hearing. All were in favor. A motion was made by Elbassiouny, seconded by Marks, to adopt Ordinance 12-04 on second reading.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

RESOLUTIONS

A motion was made by Elbassiouny, seconded by Marks, to approve Resolution 12-107, Tax Sale Certificate Redemption Resolution – Block 78, Lot 14. All were in favor.

A motion was made by Elbassiouny, seconded by Finke, to approve Resolution 12-108, Tax Sale Certificate Redemption Resolution – Block 28.01, Lot 27 as corrected by Mr. Finke.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

A motion was made by Finke, seconded by Marks, to approve Resolution 12-109, Corrective Action Plan – 2011 Audit as corrected by Mr. Finke.

ROLL CALL: Finke, yes; Marks, yes; Elbassiouny, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Marks, to approve Resolution 12-110, Acceptance of Performance Guarantee – Shop-Rite Vestibule Addition and Parking Lot – Block 65.01, Lot 1.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

STAFF ADMINISTRATIVE REPORTS

J. Cooper previously submitted a report and had nothing further to add. Mr. Finke questioned the speed sign repair. J. Cooper explained the police received a damaged portable speed limit sign from another municipality. It was rebuilt by the Township's mechanic.

J. Rossi gave a presentation regarding the revenue collected by Code & Construction and the amount of money paid to the Township over the past four years for phones, utilities, the copier, etc.

Chief McDonald previously submitted a report. He announced, with regret, the resignation of Patrolman Marcos Vaz and read the resignation letter to the Committee. A motion was made by Elbassiouny, seconded by Finke, to accept the resignation of Marcos Vaz with regret.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

Mr. deBoer previously submitted a report and provided the Committee with copies of Resolution 12-111. He stated the New Jersey Department of Transportation is now accepting applications for State Aid and would like the Township Engineer to apply. A motion was made by Elbassiouny, seconded by Finke, to approve Resolution 12-111, Resolution Authorizing the Township Engineer, Finelli Consulting, to Make an Application to the NJ DOT State Aid Program, provided funding is available. Mr. Finke asked for clarification of the roads listed in the resolution which Mr. deBoer explained.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

PUBLIC QUESTIONS AND CONCERNS

Mayor Kovacs opened the meeting to the public.

Tom Johnstone, 11 Falcon Way, stated he has been speaking to the lien holder of 219 S. Broad Street as he feels the property has the potential to be renovated. He would like to take title, invest in the property and have the renovations completed in one year. J. Rossi stated he is in support of this but wants T. Johnstone to be aware utilities will need to be paid and he must check if there is septic or a cesspool. Attorney Lavery and the Committee discussed with T. Johnstone. A motion was made by Elbassiouny, seconded by Finke, to give an extension, not to exceed forty-five days and not to be extended, on the demolition of the structure at 219 S. Broad Street, giving Tom Johnstone time to take over the tax lien. T. Johnstone will update the Committee of the status at the October 16th meeting.

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

Joel Schnetzer, 240 Cemetery Hill Road, thanked Mr. Johnstone for having an interest in the 219 Broad Street property and thanked the Committee for giving Mr. Johnstone the opportunity to improve it. He thanked Mr. deBoer for the information regarding water usage at the park. He asked Mr. deBoer about the Highlands process. Mr. deBoer explained the entire process will take approximately one year and the Township is on schedule. The Highlands Planner will speak with the Environmental Commission at their next meeting. J. Schnetzer would like the Committee to consider farmland preservation a priority with the Township's open space money and discussed rateables with the Committee. J. Schnetzer questioned the cost of the Friese property. D. Dempski explained the project and the cost of \$252,000. J. Schnetzer questioned the shared service agreement with the school. J. Cooper stated the Township receives \$3,000 from the school. Mr. Elbassiouny explained the agreement.

Kathie Enz, 18 Spring Lane, wished to support J. Schnetzer with regard to farmland preservation and discussed with Mr. Elbassiouny.

Jeff Duckworth, 28 Coleman Hill Road, asked for an update on Pacesetter development. Attorney Lavery explained he was asked to draft letters to property owners and will review these with the Committee in Executive Session. J. Duckworth asked about a request from Clark Bowers. Mr. deBoer stated this will be discussed in Executive Session.

George Willan, 32 Falcon Way, reminded the Committee the snow plowing agreement with Hawk Pointe needs to be renewed. Attorney Lavery will have a resolution at the September meeting.

Mrs. Marks stepped down from the dias to speak as a resident of 5 Dogwood Drive and not as a Committeewoman. Mrs. Marks read a letter from her attorney with regards to Resolution 11-109 which censured her. It was the Court's decision that the Committee lacked the power to censure her for the allegation raised. The Committee did not appeal this ruling. The resolution remains part of the Township's public record and nothing has been done to reflect the written public record that the censure was ruled to be improper and illegal. Mrs. Marks continued reading that the Committee must authorize the Township Clerk to mark the resolution void per the Court's ruling. Attorney Lavery stated an inappropriate text message was sent to a Township employee and the Committee took the action they felt was necessary in the event the situation arose in the future. There is nothing in the Court's ruling that said the Committee had to do anything with regards to the resolution. Mrs. Marks and Attorney Lavery discussed. Attorney Lavery disagrees with Mrs. Marks' attorney as to what should be done with the resolution. Mrs. Marks stated as Committeewoman, she has never received a report regarding the salvage of scrap metal and believes it was issued to the other members of the Committee. A motion was made by Elbassiouny, seconded by Finke, to attach a copy of the judge's order to the censure resolution which was passed by the Township. Mrs. Marks found this acceptable.

ROLL CALL: Elbassiouny, yes; Finke, yes; Kovacs, yes

A motion was made by Finke to also mark the resolution ultra vires. Mr. Elbassiouny questioned the need for this motion as Mrs. Marks agreed to the first motion and he felt the situation was handled with that motion. Mr. Finke asked Mrs. Marks if she was satisfied with what has happened. Mrs. Marks stated she is not satisfied but did not wish to argue the point. Mr. Finke stated he wished to prevent more taxpayer money from being spent and asked Mrs. Marks if this has been accomplished. Mrs. Marks stated that it has been accomplished at this point. Mr. Finke withdrew his motion.

Mrs. Marks returned to the dias. Hearing no further comments, Mayor Kovacs closed the public portion of the meeting.

OLD BUSINESS

The discussion regarding 219 S. Broad Street was discussed during the public portion of the meeting.

Attorney Lavery stated there was a request from Environ to dig test wells on Cider Lane. The Committee authorized him to write a letter saying we weren't inclined to authorize them to dig wells in the right-of-way. The letter told Environ to seek approval from the homeowners. Mr. deBoer explained Environ contacted the property owners and they are not in favor of having wells drilled on their property. Environ will be setting up an escrow account of \$1,000 for the Township Engineer to review their plans. Environ will also provide a certificate of insurance naming the Township as the insured. Mr. deBoer stated Environ is looking to drill two wells, one hundred feet deep, side by side.

NEW BUSINESS

Mayor Kovacs stated mosquitoes were located near the DPW garage and have tested positive for West Nile Virus. He noted the Township has an ordinance in place to that requires property owners to remove items on their property that are considered public health nuisances.

A motion was made by Elbassiouny, seconded by Marks, to approve N. Godfrey's attendance at the Municipal Clerk Review Course on September 5, 11 and 13, 2012 in Wantage, NJ.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

REPORT FROM OFFICIALS

Mr. Elbassiouny had nothing to report.

Mrs. Marks had nothing to report.

Mayor Kovacs had nothing to report.

Mr. Finke had nothing to report.

PAYMENT OF BILLS

Mr. Finke noted one purchase order had an amount that doesn't match the amount listed on the paperwork and another bill that seems to be a duplicate. A motion was made by Elbassiouny, seconded by Marks, to approve the payment of the bills, pending the Deputy Treasurer making any necessary corrections to the discrepancies noted by Mr. Finke.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

Mr. Finke questioned a lease payment on a police vehicle. Chief McDonald confirmed it is a one-time annual payment.

EXECUTIVE SESSION

A motion was made by Elbassiouny, seconded by Marks, to approve Resolution 12-112, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance With the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 9:00 p.m.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

Attorney Lavery explained the Committee will be discussing two personnel issues dealing with the Tax Assessor's office, a contractual matter dealing with a request from Clark Bowers, a potential litigation matter dealing with Southwinds drainage easement, a personnel issue dealing with updated grievances dealing with health insurance, and a personnel issue dealing with the Police Department.

A motion was made by Finke, seconded by Kovacs, to come out of Executive Session at 9:14 p.m. All were in favor. Attorney Lavery stated the Committee interviewed a potential new police hire. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

A motion was made by Elbassiouny, seconded by Marks, to hire John Casella as Patrolman Step I effective September 10, 2012.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Finke, to approve Resolution 12-113, Resolution to Authorize and Approve Salaries and Wages for Certain Employees (J. Casella – Patrolman Step I).

ROLL CALL: Elbassiouny, yes; Finke, yes; Marks, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Finke, to approve Resolution 12-114, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance With the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 9:18 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing the items previously announced that were not covered, including personnel issues dealing with the Tax Assessor's office, a contractual matter dealing with a request from Clark Bowers, a potential litigation dealing with Southwinds drainage easement, and a personnel issue dealing with updated grievances dealing with health insurance.

A motion was made by Elbassiouny, seconded by Finke, to come out of Executive Session at 9:43 p.m. All were in favor. Attorney Lavery stated the Committee discussed two personnel issues dealing with the Tax Assessor's office, a contractual matter dealing with the Bowers property, a contractual/potential litigation matter dealing with the Southwinds drainage easement, a personnel matter dealing with an update of the grievances regarding health insurance, and the Pacesetter detention basin issue. Attorney Lavery asked that the record reflect Mr. Finke left Executive Session during the Pacesetter detention basin discussion. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

A motion was made by Elbassiouny, seconded by Marks, to authorize Attorney Lavery to send a letter regarding the Pacesetter detention basin.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, abstained; Kovacs, yes

A motion was made by Elbassiouny, seconded by Marks, to approve Eileen Parks as Administrative Assistant to assist in the Tax Assessor's office not to exceed \$1,000 to the end of the year.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

A motion was made by Elbassiouny, seconded by Marks, to approve Terry Ferguson as Administrative Assistant to assist with the archive filing system not to exceed \$2,000 to be taken out of the DPW salary and wage line item.

ROLL CALL: Elbassiouny, yes; Marks, yes; Finke, yes; Kovacs, yes

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Elbassiouny, seconded by Finke, to adjourn the meeting at 10:45 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey
Township Clerk